

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL WEYANT,)	
)	
Plaintiff,)	
vs.)	
)	CIVIL ACTION NO.
DICK'S SPORTING GOODS,)	
FIELD & STREAM, subsidiary of DICK'S)	
SPORTING GOODS, and)	
ALLIANCE OUTDOOR GROUP,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PLEASE TAKE NOTICE that Defendants, DICK'S SPORTING GOODS, INC. d/b/a FIELD & STREAM (incorrectly named in the Complaint as "Dick's Sporting Goods & Field & Stream, subsidiary of Dick's Sporting Goods")(hereinafter "DSG") and ALLIANCE OUTDOOR GROUP INC. (incorrectly named in the Complaint as "Alliance Outdoor Group")(hereinafter "AOG"), by filing this Notice of Removal and related papers removes this action from the Circuit Court for Carroll County, State of Maryland, to the United States District Court for the District of Maryland pursuant to 28 USC §1332, 1441 and 1446. The grounds for this removal are as follows:

BACKGROUND

1. This action was commenced on October 21, 2022 by the filing of Plaintiff's Complaint in the Circuit Court for Carroll County, State of Maryland, which was assigned Case No. C-06-CV-22-000407. This civil action involves allegations of product liability.

2. DSG was served through its agent for service of process on December 12, 2022 and this Notice is filed within 30 days after service of the State Court Writ of Summons and Complaint. Removal is proper to the United States District Court for the District of Maryland under 28 USC

§§100 and 1441(a) because this district embraces the place in which the removed action has been pending.

3. AOG was served through its agent for service of process on December 12, 2022 and this Notice is filed within 30 days after service of the State Court Writ of Summons and Complaint. Removal is proper to the United States District Court for the District of Maryland under 28 USC §§100 and 1441(a) because this district embraces the place in which the removed action has been pending.

4. Pursuant to 28 USC §1446(d) a Notice of Filing Notice of Removal will be filed with Clerk of the Circuit Court for Carroll County, State of Maryland.

5. Attached as **Exhibit A** are all pleadings that have been filed in the State Court action.

REMOVAL IS PROPER BASED UPON DIVERSITY JURISDICTION

6. Jurisdiction in this cause is proper in the United States District Court pursuant to the provisions of 28 USC §1332 based upon diversity of citizenship.

A. The Plaintiff

7. According to the Complaint, Plaintiff, Michael Weyant, is a resident of Manchester, Maryland. Plaintiff is therefore a citizen of Maryland.

B. The Removing Defendants

8. Defendant Dick's Sporting Goods, Inc. d/b/a Field & Stream is a Delaware corporation with its principal place of business in Pennsylvania. Defendant DSG is therefore a citizen of Delaware and Pennsylvania.

9. Defendant Alliance Outdoor Group Inc is a Minnesota corporation with its principal place of business in Iowa. Defendant AOG is therefore a citizen of Minnesota and Iowa.

GROUND FOR REMOVAL

10. This action is being removed pursuant to 28 USC §1441 *et seq.* This action could have originally been brought in this Court pursuant to 28 USC §1332.

11. This Notice of Removal is timely filed because it is submitted within 30 days of the date any Defendant was first served with, received a copy of, or otherwise received notice of the Writ of Summons and Complaint in this civil action. 28 USC §1446(b).

12. This Court embraces the county in which the State Court action was filed, thus venue is proper in this Court.

13. This is a product liability action wherein Plaintiff alleges that a Field & Stream Stealth II Climber treestand was defective and unreasonably dangerous. Although the Complaint is silent as to the specific amount of damages sought, the Plaintiff's Complaint prays for a judgment "in an amount in excess of Seventy-Five Thousand Dollars (\$75,000) plus costs of this action"

14. Plaintiff's Complaint, in paragraphs 16, 28 and 40, alleges that "Plaintiff, Michael Weyant, suffered severe pain and permanent injuries to his body, as well as severe and protracted shock to his nervous system, all of which have caused him, and will continue to cause him, great pain and mental anguish."

15. Plaintiff's Complaint, in paragraphs 17, 29 and 41, further alleges that "Plaintiff, Michael Weyant, has been forced to spend, and will continue to expend, large sums of money for hospitals, x-rays, doctors, nurses, medical treatment and medicine for the treatment of the aforesaid injuries to himself."

16. In addition, the Civil-Non-Domestic Case Information Sheet filed by Plaintiff with the Writ of Summons and Complaint, indicates that monetary damages, not including attorney's fees, interest or court costs, are \$30,000 - \$100,000.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)			
<input type="checkbox"/> Under \$10,000	<input type="checkbox"/> \$10,000 - \$30,000	<input checked="" type="checkbox"/> \$30,000 - \$100,000	<input type="checkbox"/> Over \$100,000
<input checked="" type="checkbox"/> Medical Bills \$ _____		<input type="checkbox"/> Wage Loss \$ _____	
		<input type="checkbox"/> Property Damages \$ _____	

17. Before the Complaint was filed, counsel for Plaintiff sent a demand letter to counsel for Defendants which included medical records pertaining to treatment Plaintiff received following the subject incident. The medical records demonstrate that Plaintiff received medical treatment for finger fractures, nerve damage, radiculopathy and spondylolisthesis for two years and incurred over \$28,000 in medical bills.

18. Research of jury verdicts and settlements in cases with injuries similar to what is alleged by Plaintiff demonstrates that the amount in controversy in such cases exceeds the jurisdictional limit for diversity jurisdiction. For examples of such cases, please see attached as **Exhibit B**.

19. Because this dispute is among citizens of different states and the amount in controversy exceeds \$75,000, both the amount in controversy and the diversity of citizenship requirements set forth in 28 USC §1332 have been met and jurisdiction is therefore proper in this Court.

20. Pursuant to 28 USC §1446, a Notice of Filing Notice of Removal will be filed with the Clerk of the Circuit Court for Carroll County, State of Maryland, and will be served upon the Plaintiff. A true and complete copy of the written Notice of Filing Notice of Removal is attached herein as **Exhibit C** and incorporated herein by reference. Plaintiff is hereby notified to proceed no further in the State Court.

WHEREFORE, Defendants, Dick's Sporting Goods, Inc. d/b/a Field & Stream and Alliance Outdoor Group Inc., respectfully request that this action to be removed to this Court and further request that this Court assume full jurisdiction over this case as provided by law.

Dated: January 5, 2023.

SEMMES, BOWEN & SEMMES

/s/ Matthew J. McCloskey
Stephen S. McCloskey (04640)
Matthew J. McCloskey (20097)
25 South Charles Street, Suite 1400
Baltimore, Maryland 21201
Telephone: 410-539-5040
Facsimile: 410-539-5223
smccloskey@semmes.com
mmccloskey@semmes.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court this 5th day of January, 2023 via the CM/ECF system and also served the foregoing by regular mail and email to:

PLAXEN ADLER MUNCY, P.A.
Bruce M. Plaxen
Samantha B. Dos Santos
10211 Wincopin Circle, Suite 620
Columbia, Maryland 21044
bplaxen@plaxenadler.com
sdossantos@plaxenadler.com
Attorneys for Plaintiff

/s/ Matthew J. McCloskey
Matthew J. McCloskey (20097)